

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANIEL M. WOODS,	§
	§ No. 626, 2011
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
	§ for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 90000228DI
	§
Plaintiff Below,	§
Appellee.	§

Submitted: April 13, 2012

Decided: May 15, 2012

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 15th day of May 2012, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The defendant-appellant, Daniel M. Woods, filed an appeal from the Superior Court's August 26, 2011 order denying his motion for sentence modification pursuant to Superior Court Criminal Rule 35. We find no merit to the appeal. Accordingly, we affirm.

(2) The record before us reflects that, in 1981 and 1982, Woods was convicted of a number of serious crimes, including Burglary and Felony Theft. He was sentenced and remained incarcerated between June 1981 and

April 1989, at which time he was released on parole by the Board of Parole.¹

In March 1990, Woods pleaded guilty to additional crimes and was sentenced to a total of 34 years of Level V incarceration, to be suspended after 30 years for decreasing levels of supervision. In addition, because these new convictions constituted a parole violation, and because he had failed to report to his parole officer and had failed to report a change of address, the Board of Parole revoked Woods' parole and good time credits and ordered that he serve the balance of his Level V sentence.

(3) Following his convictions and sentences, Woods filed several postconviction motions pursuant to Rule 61, several motions for sentence modification pursuant to Rule 35, a petition in this Court for a writ of certiorari and a petition for a writ of habeas corpus in the United States District Court for the District of Delaware. None of Woods' motions or petitions was successful.²

(4) In September 2002, Woods was released on parole. He subsequently committed new criminal offenses and was charged with a parole violation. In November 2004, the Board of Parole revoked his previously-earned good time credits and sentenced him to the balance of his

¹ Woods' sentences were imposed prior to the enactment of the Truth-in-Sentencing statute. Del. Code Ann. tit. 11, Chap. 42.

² The only modification of any of Woods' sentences occurred on November 16, 1998, when the Superior Court modified Woods' latest sentencing order to allow for monitoring by TASC.

Level V sentence. In February 2005, Woods was convicted of two additional counts of Burglary in the Second Degree and one count of Felony Theft. He was sentenced to a total of 18 years at Level V, to be suspended after 3 years for probation.

(5) Woods filed a petition for a writ of habeas corpus in the Superior Court, which was denied in March 2005. This Court affirmed the Superior Court's judgment.³ Woods then filed a petition for a writ of mandamus in the Superior Court, which also was denied. This Court affirmed.⁴ In 2006, Woods filed a Rule 35(a) motion for correction of illegal sentence. The Superior Court denied the motion and this Court affirmed.⁵ Since that time, Woods has filed, unsuccessfully, a number of additional Rule 35 motions, a federal habeas corpus petition, as well as applications to the Board of Parole for early release.

(6) In his appeal from the Superior Court's August 26, 2011 order denying his latest Rule 35 motion, Woods makes a number of claims that may fairly be summarized as follows: The Superior Court erred and abused its discretion when it failed to release him from incarceration under the "extraordinary circumstances" exception of Rule 35(b) because a) the

³ *Woods v. Holden*, Del. Supr., No. 143, 2005, Berger, J. (Sept. 20, 2005).

⁴ *Woods v. Williams*, Del. Supr., No. 2, 2007, Holland, J. (Mar. 15, 2007).

⁵ *Woods v. State*, Del. Supr., No. 540, 2006, Holland, J. (Feb. 4, 2008).

Department of Correction (“DOC”) has incorrectly calculated the amount of Level V time remaining on his sentences; and b) he has medical problems that have not been properly addressed.

(7) Our review of the record reflects that this Court has previously addressed, and denied, Woods’ first claim regarding the DOC’s allegedly incorrect calculation of his remaining Level V time.⁶ Woods’ second claim of improper medical treatment was likewise previously addressed, and denied, by the United States District Court for the District of Delaware, whose judgment was affirmed by the Third Circuit Court of Appeals.⁷ Because Woods’ claims have previously been raised and decided, this Court will not address them again in these proceedings.⁸ Moreover, Woods has filed multiple Rule 35 motions in the Superior Court since his convictions in 1990. Because Rule 35(b) prohibits the filing of repetitive motions, we conclude that the Superior Court neither erred nor abused its discretion when it denied Woods’ Rule 35 motion on that ground.

⁶ Id.

⁷ *Woods v. First Correctional Medical, Inc.* et al., No. 11-1898 (3d Cir. Aug. 18, 2011).

⁸ *Brittingham v. State*, 705 A.2d 577, 579 (Del. 1998) (discussing the “law of the case” doctrine in the context of a Rule 35 claim).

NOW, THEREFORE, IT IS ORDERED that the judgment of the
Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice